Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Thursday, 11th November 1976 / 20th Karthika 1898 [No. 642

GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

G. O. Rt. No. 1458/76/LBR.

Dated, Trivandrum, 10th November 1976.

S. R. O. No. 1146/76.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (Central Act 11 of 1948) the Government of Kerala hereby appoint a Committee to hold enquiries and advise the Government in respect of revision of minimum rates of wages payable to the employees employed in the employment in Timber and Plywood Industry in the State and under section 9 of the said Act nominate the following persons to be the members of the said committee and appoint Shri N. Kochukrishnan, Retd. Labour Commissioner, Pettah, Trivandrum, the independent member of the committee to be the Chairman of the committee.

REPRESENTATIVES OF EMPLOYEES

1. Shri K. V. Kocheria, Secretary, Kottayam District Plywood Employees' Association, A. I. T. U. C., Palace Road, Kottayam.
2. Shri I. P. Krishnan, President, I. N. T. U. C., Kozhikode District Committee, I. N. T. U. C. Office, Kozhikode.

3. Shri D. Sreedharan, Secretary, Quilon Sawmill Workers' Union, U. T. U. C. Office, Quilon.
4. Shri M. Achuthan, Kozhikode Taluk Earcha Mill Thozhilali Union, C. I. T. U. Kallai, Kozhikode.
5. Shri K. K. Damodaran, General Secretary, Plywood Employees' Association, I. N. T. U. C. Office, Kottayam.

REPRESENTATIVES OF EMPLOYERS

1. Shri B. V. N. Pillai, Partner, Damor Bros., Vanchiyoor, Trivandrum.
2. Shri K. V. Varghese, Managing Partner, Hindustan Wood Industries, Vallamkulam, Thiruvalla.
3. Shri R. K. Pillai, Varkala.
4. Shri K. M. Kuttan, President, Trichur District Timber Merchants' Association, Trichur-4.
5. Shri P. Mohammed, Executive Director, Western India Plywoods, Baliapattom.

INDEPENDENT MEMBER

Shri N. Kochukrishnan, Retd. Labour Commissioner, Pettah, Trivandrum.

The term of the Committee is fixed as 6 months.

By order of the Governor,
C. T. JOSEPH,
Joint Secretary.

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Government of Kerala
1976

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Vol. XXI] Trivandrum, Thursday, 11th November 1976 / 20th Karthika 1898 [No. 643

GOVERNMENT OF KERALA

Revenue (N) Department

NOTIFICATION

No. 57011/N1/72/RD. *Dated, Trivandrum, 28th October 1976.*

S. R. O. No. 1151/76.—In exercise of the powers conferred by section 129 of the Kerala Land Reforms Act, 1963 (I of 1964), the Government of Kerala hereby make the following amendments to the Kerala Land Reforms (Vesting and Assignment) Rules, 1970, published as S. R. O. No. 31/70 in the Kerala Gazette Extraordinary No. 25 dated 12th January, 1970 as subsequently amended, namely:—

AMENDMENTS

In the said rules,—

(1) in rule 5, in sub-rule (1), the words and figure "under rule 6 or otherwise" shall be omitted;

(2) for rule 6, the following rule shall be substituted, namely:—

"6. *Application by land owner or intermediaries.*—(1) Any land-owner or intermediary whose right, title and interest in respect of a holding or part of a holding have vested in the Government under section 72, may apply for the assignment of such right, title and interest to the cultivating tenant and for payment of compensation due to him under section 72A, in form C to the Land Tribunal within

whose jurisdiction such holding or part, as the case may be, is situate, and a separate application shall be made in respect of each holding or part of a holding.

(2) Where an application is made under sub-rule (1) in respect of a holding or part of a holding after an application referred to in rule 4 in respect of that holding or part, as the case may be, is received by the Land Tribunal or after the initiation of proceedings under sub-rule (1) of rule 5 in respect of that holding or part, as the case may be, the Land Tribunal shall dispose of the application referred to in rule 4, the proceedings referred to in sub-rule (1) of rule 5 and the application referred to in sub-rule (1) jointly.";

(3) after rule 7, the following rules shall be inserted, namely:—

"7A. *Requisition by the Land Tribunal to the village committee.*—A requisition by the Land Tribunal to the village committee under sub-section (3A) of section 72F shall be in form E1.

7B. *Procedure to be followed by the village committee.*—(1) On receipt of the requisition referred to in rule 7A, the convener of the village committee shall assign a number to every such requisition strictly according to the order in which it is received, and enter it in a register to be maintained by the village committee. The register shall be in form E2.

(2) The convener of the village committee shall also maintain a book in which a separate page shall be allotted to each survey number in the village, the survey number being entered in the chronological order.

(3) Each page of the book maintained under sub-rule (2) shall be in form E3.

7C. *Village committee may furnish further particulars.*—The village committee may, in addition to the matters mentioned in sub-section (3B) of section 72F, furnish any other particulars it considers relevant to the case pending before the Land Tribunal.

7D. *Manner of obtaining information.*—When the village committee desires to obtain any information, such committee or any one of its members may obtain it in any one or more of the following modes; namely:—

(a) by making such enquiry as the village committee or member may deem fit;

(b) by local inspection;

(c) by reference to any Government record; or

(d) in such other manner as the village committee or member deems fit.

7E. *Further procedure to be followed by village committee.*—(1) After obtaining necessary information, the village committee shall give an opportunity to the persons concerned to be heard regarding the correctness of the information.

(2) For the purposes of sub-rule (1) the village committee may secure the presence of the persons concerned and read over the information received by the committee to such persons.

(3) The committee may also examine documentary evidence produced by the persons concerned or received by it from any other person.

7F. *Advice to be forwarded to Land Tribunal.*—As soon as may be after the completion of the enquiry under rule 7E, the village committee shall, before the date specified in the requisition received from the Land Tribunal under rule 7A, forward its advice to the Land Tribunal. The advice shall be in form E4.

7G. *Monthly abstract.*—The convener of the village committee shall, at the end of every month, enter in form E3 an abstract of the requisitions received by the committee during that month together with a statement showing the following particulars, before entering the requisitions for the subsequent month, namely:—

(a) the total area of all holdings comprised in each survey number;

(b) the number of cases in respect of which requisitions under sub-section (3A) of section 72F have been received by the village committee during the month;

(c) the total area of the holdings in respect of which such requisitions have been received during the month;

(d) the number of cases in respect of which advice has been tendered by the village committee during the month; and

(e) the total area covered by the holdings in respect of which such advice has been tendered during the month.";

(4) in rule 13,—

(i) in sub-rule (1), for the words "may jointly furnish a statement", the words "may jointly make an application" shall be substituted;

(ii) in the proviso to sub-rule (1), for the words "no such statement shall be furnished", the words "no such application shall be made" shall be substituted;

(iii) sub-rules (2) and (3) shall be omitted;

(iv) for sub-rule (4), the following sub-rule shall be substituted, namely:—

"(4) The application under sub-rule (1) may be presented before the Land Tribunal by any one of the signatories to such application, either in person or by recognised agent or by pleader.";

(v) in sub-rule (5), for the words "a statement", the words "an application" shall be substituted;

(vi) in sub-rule (6),—

(a) in the opening paragraph,—

(1) for the word "statement", the word "application" shall be substituted;

(2) the words "and after considering the advice given by the village committee or village committees, as the case may be" shall be inserted at the end;

(b) in clause (i), for the word "statement", the word "application" shall be substituted;

(c) clause (iii) shall be omitted;

(d) for the words, brackets, figures and letter "under sub-section (5) of section 72F on the basis of the particulars furnished in the statement", the words, letter and figure, "in form J1 assigning the holding to the cultivating tenant on the basis of the particulars furnished in the application" shall be substituted;

(e) in the proviso, for the word "statement", the word "application" shall be substituted;

(vii) for sub-rule (7), the following sub-rule shall be substituted, namely:—

"(7) Where the claims of any person referred to in the proviso to sub-rule (6) are genuine and such person is found to have an interest in the holding or where the Land Tribunal is not satisfied as to the matters specified in that sub-rule, it shall, after giving all parties concerned an opportunity to be heard, forthwith dismiss the application and initiate *suo motu* proceedings under section 72C for assigning the holding to the cultivating tenant, ignoring the agreement.";

(viii) sub-rule (8) shall be omitted;

(5) for rule 15, the following rule shall be substituted, namely:—

"15. *Copy of certificate to be furnished to the Taluk Tahsildars and Village Officers.*—(1) A true copy of every certificate of purchase referred to in rule 14 shall be furnished by the Land Tribunal to the Tahsildar of the Taluk in which the holding is situate and also to the concerned village officer or village officers and they shall take action for carrying out necessary changes in the revenue records.

(2) In places where resurvey is in progress, the Land Tribunal shall furnish a copy of the certificate of purchase to the Assistant Director of the Resurvey party also.";

(6) in Form C,

(i) for the heading "STATEMENT OF INFORMATION" the heading "Application by landlord for assignment" shall be substituted;

(ii) for the word "informant" wherever it occurs, the word "applicant" shall be substituted;

(iii) in column 4, for the word "information", the word "application" shall be substituted;

(iv) in column 19 and in the Declaration, for the word "Informants", the word "Applicants" shall be substituted;

(v) in the Declaration, for the words "statement of information" the word "application" shall be substituted.

(7) after form E, the following forms shall be inserted, namely:—

Forms E1, E2, E3 and E4;

(8) for form J, the following forms shall be substituted, namely:—

forms J and J1.

By order of the Governor,

S. PADMAKUMAR,

Special Secretary to Government.

No. ....

FORM E1

(See rule 7A)

Requisition to the Village Committee.................................. Land Tribunal...

O. A. No....................Year...................

WHEREAS the Land Tribunal has information that the land/lands described in the schedule to the notice in Form D enclosed is/are in the possession of a cultivating tenant/cultivating tenants whose [name(s) and address(es) are shown in the statement appended] and that the right, title and interest of the land owner/land owners

and intermediary/intermediaries (details are shown in the statement appended) in respect of the land/lands have vested in the Government under Section 72;

AND WHEREAS (1)* the cultivating tenant/the landlord/the intermediary/all persons interested have jointly/applied for assignment,

(2)* the Land Tribunal has, on its own motion, taken steps for assignment,

this requisition is hereby given to the Village Committee (s) ....to advise the Land Tribunal on the following matters before.............................day of..............19......,

(1) the names and addresses of the land owner, the intermediary, if any, and the cultivating tenant;

(2) the names and addresses of all other persons interested in the land;

(3) such particulars as are necessary for the indentification of the land comprised in the holding, viz:—

Village

Survey No.

Sub Division No.

Extent

Boundaries;

(4) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the land owner and intermediaries, if any;

(5) The amount due to the holders of encumbrances or the persons entitled to maintenance or alimony and the order of priority in which the amount is payable;

(6) Whether the lease claimed is one subsisting on 1-4-1964;

(7) whether the lease claimed is a bogus one created to defeat the ceiling provisions of the Act (reasons to be stated);

(8) whether the cultivating tenant owns an extent of land (including the land, the right, title and interest in respect of which are to be assigned) in excess of the ceiling area (reasons to be stated);

(9) improvements (including timber trees) on the land belonging to the land owner or intermediary;

(10) value of each of the improvements and the total value thereof;

(11) purpose for which the land was used on 1-4-1964;

(12) fair rent/contract rent of the holding;

(13) (here enter any other matter the Land Tribunal has decided to refer.)

Copy of the public notice and a statement of the details of persons to whom individual notice have been served are enclosed.

By order of the Land Tribunal

Place:
Date:

Head Ministerial Officer.

*Strike out if inapplicable.

FORM E2

(*See* rule 7B)

Sl. No.	*Name of the cultivating tenant*	*Sy. No.*	*Page No. in the book containing E3 Register*
(1)	(2)	(3)	(4)

33/4344/MC

FORM E3

(*See* rule 7B)

Register to be maintained by the Village Committee

Name of Village Committee........................ Sy. No...............

Sl. No. in E2 Register	*Date of receipt of requisition*	*Ref. No. and name of Land Tribunal*	*Sy. No./Sub Dn. No. to which assignment proceedings relate*	*Name of cultivating tenant as furnished by the Land Tribunal*	*Due date for furnishing the advice to the Land Tribunal*	*Gist of advice of the Village Committee*	*Signature of the Convener of the Committee*	*Date on which the advice is furnished to the Land Tribunal*	*Remarks*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

FORM E4

(*See* rule 7F)

Advice given by the Village Committee of.............................. village to the Land Tribunal.. in the matter of O. A..................................Year...................

The Village Committee on the basis of the requisition received from the Land Tribunal, has considered the matters referred to it and the advice of the Village Committee on each item is as furnished below:—

(1) the names and addresses of—

(a) the land owner,

(b) the intermediary, if any, and

(c) the cultivating tenant;

(2) the names and addresses of all other persons interested in the land;

(3) such particulars as are necessary for the identification of the land comprised in the holding, viz:—

Village

Sy. No.

Sub Division No.

Extent

Boundaries;

(4) the value of encumbrances subsisting or claims for maintenance or alimony charged on the right, title and interest of the land owner and intermediaries, if any;

(5) the amount due to the holders of encumbrances or the persons entitled to maintenance of alimony and the order or priority in which the amount is payable;

(6) whether the lease claimed is one subsisting ou 1-4-1964;

(7) whether the lease claimed is a bogus one created to defeat the ceiling provisions of the Act (reasons to be stated);

(8) whether the cultivating tenant owns an extent of land (including the land, the right, title and interest in respect of which are to be assigned) in excess of the ceiling area (reasons to be stated);

(9) improvements (including timber trees) on the land belonging to the land owner or intermediary;

(10) value of each of the improvements and total value thereof;

(11) purpose for which the land was used on 1-4-1964;

(12) fair rent/contract rent of the holding;

(13) Here enter the advice on any other matter which the Land Tribunal has requested.

Signature of Chairman/
member(s)

Signature of the Convener of the
village committee.

Place:

Date:

To

The Land Tribunal..

FORM J

(*See* rule 13)

Joint Application

BEFORE THE LAND TRIBUNAL OF...

(1) Particulars of the land, the right, title and interest in respect of which are to be assigned to the cultivating tenants.—

(a) District, Taluk and Village in which situate:

(b) Survey Number and sub-division number, if any, or a description of the land sufficient for its identification;

(c) Boundaries;

(d) Extent;

(e) Class (i.e. nilam, garden, dry land, etc.)

(2) Details of contract of tenancy.

(3) Name and address of the cultivating tenant(s).

(4) Name and address of land owner(s).

(5) Name and address of intermediary(ies).

(6) Name and address of holder of encumbrance, if any, charged on the right, title and interest of the land owner/intermediary.

(7) Name and address of the persons entitled to maintenance or alimony, if any, charged on the right, title and interest of land owner/intermediary.

(8) Total amount of compensation.

(9) Amount of compensation due to each of the landowners and/or intermediaries.

(10) Amount of purchase price due to each of the cultivating tenants.

(11) Amount due to each of the holders of encumbrance.

(12) Amount due to each of the persons entitled to maintenance or alimony.

Signatures:—[Here enter signatures of all persons referred to in items (3) to (7) both inclusive].

(1)

(2)

(3)

(4)

....

....

Witnesses:

Place:

Date:

CERTIFICATE

I/We whose name(s) and address(es) is/are specified in item (3) do hereby declare that I am/we are/the cultivating tenant(s) for the holding specified in item (1), that to the best of my/our knowledge and belief there is no other person entitled to that right.

Cultivating tenant(s)

Witnesses:

Place:

Date:

We, whose names and addresses are specified in items (3) to (7) (both inclusive) do hereby declare that the particulars furnished in items (1) to (12) are true and correct, that to the best of our knowledge and belief there is no other person entitled to any of the rights specified in any of those items.

Signatures of persons referred to in items (3) to (7).

Witnesses:

(1)

(2)

(3)

(4)

Place: ....

Date: ....

FORM J1

(*See* rule 13)

Order of Assignment

To

All whom it may concern

WHEREAS a joint application in FORM J, attached to this order, has been filed before this Land Tribunal on ....for the assignment of the right, title and interest of the land owner(s) (here enter names and addresses) intermediary(ies) (here enter names and addresses) and encumbrance holders (here enter names and addresses) and persons entitled for maintenance or alimony (here enter names and addresses) in respect of the lands described in the sub-joined schedule to the cultivating tenant(s) (here enter names and addresses):

AND WHEREAS after due enquiry this Land Tribunal has been satisfied that—

(1) all persons interested in the holding are parties to the application;

(2) the cultivating tenant(s) is/are entitled for assignment;

(3) the landowner or any intermediary of the holding is not a religious, charitable or educational institution of a public nature which has opted for annuity;

Now, therefore, the properties described in the schedule below are hereby assigned in terms of the said joint application to the cultivating tenant(s) mentioned above without any liability to the Government for the payment of compensation or any other amount to any person in respect of the holding to which this order relates.

SCHEDULE

Sl.No.	*Number of the statement*	*Taluk*	*Village*	*Survey Number or a description of the land sufficient for its identification*	*Extent of land*
(1)	(2)	(3)	(4)	(5)	(6)

Dated this........................day of 19......

(Seal)

LAND TRIBUNAL.

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